

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

James Pittman, et al.,  
\_\_\_\_\_ /

NO. C 08-05375 JW

NO. C 08-05810 JW

NO. C 09-00121 JW

Haig Ashikian, et al.,  
\_\_\_\_\_ /

NO. C 09-00122 JW

NO. C 09-00187 JW

Peter Keller, et al.,  
\_\_\_\_\_ /

**ORDER VACATING CASE  
MANAGEMENT CONFERENCE;  
SETTING HEARING ON MOTION RE:  
CONSOLIDATION AND APPOINTMENT  
OF INTERIM CLASS-COUNSEL**

William Gillis, et al.,  
\_\_\_\_\_ /

Aaron Walters, et al.,

Plaintiffs,

v.

Apple, Inc.,

Defendant.  
\_\_\_\_\_ /


On March 9, 2009, the parties in the above entitled cases are scheduled to appear for a Case Management Conference. The parties timely submitted a Joint Case Management Statement. (Docket Item No. 22.) In their Joint Statement, the parties represent that they have stipulated to consolidate the related cases pending before the Court, and have stipulated to a leadership structure for the proposed consolidated action. (See Docket Item Nos. 16-17, 21.) The Court, however, finds that the issues of consolidation and appointment of interim class-counsel are appropriately addressed

1 by making a formal motion to the Court so that the Court may evaluate the best “leadership  
2 structure” for the class.

3 Accordingly, the parties shall appear on **April 13, 2009 at 9:00 a.m.** for a hearing on the  
4 parties’ anticipated Motion for Consolidation and Appointment of Interim Class-Counsel. Any party  
5 may file a motion for appointment of Interim Class-Counsel. The parties shall file any such motion  
6 on or before **March 20, 2009**. Any opposition shall be filed on or before **March 30, 2009**. Any  
7 replies shall be filed on or before **April 2, 2009**.

8 In light of this determination, the Court finds that a Case Management Conference is  
9 premature at this time. Accordingly, the Court continues the Case Management Conference to **April**  
10 **13, 2009 at 10 a.m.** On or before **April 3, 2009**, the parties shall file a Joint Case Management  
11 Statement. The Statement shall include, among other things, the parties’ good faith discovery plan  
12 with a proposed date for the close of both class and merit discovery.

13  
14 Dated: March 5, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Alan McQuarrie Mansfield alan@rosnerandmansfield.com  
3 Andrew David Muhlbach amuhlbach@mofo.com  
4 Gordon M. Fauth gmf@classlitigation.com  
Heather A. Moser hmoser@mofo.com  
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5  
6 **Dated: March 5, 2009**

**Richard W. Wieking, Clerk**

7  
8 **By: /s/ JW Chambers**  
9 **Elizabeth Garcia**  
10 **Courtroom Deputy**